UNITED STATES PATENT AND TRADEMARK OFFICE

Application: 10/736,421 Examiner: Williams, Catherine Serke

Filed: December 15, 2003 Art Unit: 3763

Inventor: Freeman, et al. Atty Ref.: END5051USNP-0515141

Title: METHOD AND DEVICE FOR MINIMALLY INVASIVE

IMPLANTATION OF BIOMATERIAL

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

This paper is being filed in response to the Restriction Requirement mailed on 07/13/2007.

Applicant submits that it would not be a serious burden on the Examiner if the restriction were not required. Nevertheless, Applicant elects to prosecute the claims of Group I (claims 1-47), with traverse, and without prejudice. Applicant reserves the right to pursue the claims of Group II at a later date.

Respectfully Submitted,

Andrew B. Ulmer (Reg. No. 57,003) FROST BROWN TODD LLC 2200 PNC Center

201 East Fifth Street Cincinnati, Ohio 45202

(513) 369-4811